

175 territory of the whole Western Desert. They were also
648 exempted from land taxes, military duty, and forced labor on
[651] the irrigation projects of the Nile River. In return for
these privileges, the Bedouins were expected to guard the
frontiers of Egypt and to furnish warriors for the expeditionary
forces of Muhammed 'Ali. The Pasha, who was in the process
of carving out his own empire independent of the Ottomans,
needed warriors, a role which traditionally excluded the
fallahin of the Nile valley. Bedouin horsemen from the
Western Desert fought with Muhammad 'Ali in his Wahhabi
campaign of 1815 in Arabia. They also aided the Pasha's son,
Ismail, in the conquest of the Sudan.

Muhammad 'Ali instituted the practice of granting to
the Bedouin leaders land in the rich Nile Valley. He made
it explicit that the leaders were to dwell upon this land:
their role, as it was officially stated, was to provide a
liaison between the Pasha and the tribes. In fact, the
leaders were hostages. By controlling them, Muhammad 'Ali
was able to exert proper pressure on the Bedouins when and
where it was needed (Baer 1957:84-98).

175 Bedouins did not pay land taxes, but neither did they
648 "own" the land; they simply had the right of usufruct. The
651 law stated that only those who paid land taxes had the right
• 423 to purchase and own their land. But along with ownership of
land came the onerous responsibilities of corvée labor on the

175 Nile dikes and military conscription. The term "Bedouin"
648 came to mean, as it was defined by the government of Egypt,
651 one who did not legally own land and hence was not subject to
423 forced labor or military service. On this basis, the Director
[62] of Recruiting Office in a 1904 census distinguished three kinds
of Bedouin (Murray 1935:31):

290,095 - settled and living in their own farm colonies
240,880 - living among the fallahin
70,472 - real Bedouin or nomads

601,447

175 By the end of the 19th century, Bedouin society had
177 undergone a great deal of change. Politically, the Bedouins
648 were subordinates in a dominant-subjective authority relation-
ship with the central regime of the Nile Valley. As a result
of external political control, nomadism was curtailed and the
Bedouins were forced to settle on the land to raise what few
crops they could. These new political and economic conditions
are the major aspects of the sedentarization process. Bedouin
dependence on the central authority of Egypt and their reliance
on horticulture increased with time. Nor did the entry of
Britain into Egypt in 1882 change the material and social
condition of the Bedouin.

175 The British, in the style of the politics of colonial-
648 ism, reorganized the administrative structure of Egypt. The
Western Desert was given the status of a province; command

While the Bedouins

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[778] respect the Sanusi family they, nevertheless, wear their religion lightly. An informant, speaking of the merits and demerits of the conservative Muslim Brethern Association, said that "you should never listen to a holy man, for he will lead you straight to hell!" But upon meeting any member of the Sanusi family, all Bedouins greet him by kissing his hand. Besides a show of deference, this ritual act, in theory, transfers baraka from al-Sanusi to the layman.

648
641 The citizenship exemptions granted the Bedouins by Muhammad 'Ali have been rescinded by Abd al-Nasser. This has been one aspect of his program to imbue the Bedouin with political consciousness and promote participation in the nation-state. The Bedouins say that this is the way it should be: they want the right to own land and to accept the responsibility of defending the homeland. But they still do [651] not pay land taxes, and they feel justified in this because the desert "is very poor soil, and not like that of the Nile." Nor do they always heed the call to military duty, though they insist that they do.

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423 Egyptian land reform laws would be impractical, or impossible to apply, in al-Qasr. In the Nile Valley, such laws were necessary. The majority of the Egyptian peasants can survive on less than one acre of land, and farms of under five acres comprise 44 per cent of the agricultural land area in the Nile Valley (Warriner 1962:204). Plots this

648 size in the barley and pasture area of al-Qasr would not
177 permit a subsistence level economy. Just as important is
423 the political implication of any attempt at large-scale land
reform in al-Qasr. The pattern of land distribution in al-
Qasr reflects an intimate relationship between the structural
principles of Bedouin society, especially the lineage system
and territoriality. (In a later chapter we will discuss this
relationship.) The ramifications of land reform would amount
to a structural rearrangement of al-Qasr society and would
make redistribution of land difficult to administer, or even
to imagine. A reorganization of property relations is, in ef-
fect, a basic change in the authority structure. Therefore,
the Bedouins want no part of land reform. There is a law
which forbids the ownership of "more than 100 feddans (one
feddans=one acre) of agricultural land. This shall also
apply to barren and desert land."¹ One of my informants, a
[115] large landowner, claims that this "law only applies to the
Nile Valley where there is plenty of water. If the government
wants the Bedouins to abide by that law then they must take
care of us. I would gladly trade this land (which was con-
siderably more than 100 feddans) for 100 feddans in the Nile
Valley." The traditional tribal structure of Bedouin society

¹"Decree for the Amendment of the Agrarian Reform Law
in the Southern Region," Department of Information, Cairo,
July 25, 1961.

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• [423] makes the welfare aspects of "Arab Socialism" meaningful,
but the Bedouins of al-Qasr feel that they are already
practicing "Socialists."

The Bedouins feel that the programs of the government are insufficient: the desert is extra harsh and aid should compensate for this. On the other hand, the Egyptians who administer the aid programs claim that the Bedouins do not differentiate between "giving cooperation" and "receiving aid."

- [181] Agricultural advisers complain that the Bedouins are lazy. One agronomist whose job it was to teach the Bedouins how to cultivate the olive tree said that they did not want to learn: "They want us to plant the trees, water them and care for them, harvest the olives, and then they will take them to the market and sell them." This statement is typical. The

- [186] Bedouins reply: "The Egyptians did not teach us how to grow the olive. Our fathers planted the olive here long before they came into the desert." The Bedouins feel that the Egyptians should follow their advice concerning the use and control of water in the desert; that if they did the olive would flourish and life would be easier. "The Egyptians," they say, "are lazy and cannot keep up with our requests for more seedlings. They cannot furnish us with what we need to improve our lives. All we hear is: 'tomorrow, tomorrow'!"

- [241] The Bedouins do not understand the methods of modern hydrology and agronomy. They see no reason for the experimen-

131 view it, the Western Desert is the watan 28
619 ("homeland") of the Awlad 'Ali tribe, and is subdivided into
631 tribal zones each referred to as a mintaga. Mintagit al-Qasr
is part of mintagit qabilit 'Aishaibat (i.e. "the area of
al-Qasr" is part of "the territory of the 'Aishaibat tribe").

131 Each tribal mintaga is further broken down into contiguous
619 parcels of land belonging to lineages, and these are also
* 613 referred to as mintaga; for instance, there is mintaga
631
• [423] 'ailit Ma'fas, i.e. "the territory of the Ma'fas family."

In the al-Qasr segmentary lineage society, genealogical
ties and local ties are coincidental. The boundaries of
al-Qasr are defined by the agnatic lines of the 'Aishaibat
tribe and include the sahil and sha'ir wi mar'a zones.

361 To the Egyptians, a garya ("village") is a nucleated
631 cluster of permanent dwellings with some degree of social
integration: al-Qasr is a garya for administrative matters.
The Bedouins, who think in terms of kin-based residence groups,
tribal boundaries, and political and economic symbiotic rela-
tions, see the Egyptian garya as only a sector of al-Qasr.
They refer to this sector as the 'izba, i.e., "farm" or "rural
settlement." The 'izba is land fertile enough to support a
secure and sedentary life. "The 'izba," the Bedouins say,
"is the seed of the madiina" (city).

[21] For my own purposes, the Bedouin sense of al-Qasr is
the more useful concept. Al-Qasr is all of the territory of
[131] the 'Aishaibat tribe. Situated at 31°N and 27°E, al-Qasr is

162 true numbers. As recipients of aid programs, their rations
114 are based upon the number of members per family. For these
[657] purposes, they are anxious to present as high a population
figure as possible. They exaggerate their livestock count in
order to receive more fodder, and, at other times, underestimate
their numbers to escape taxes.

162 For purposes of this study, the Bedouin population of
161 al-Qasr is about 1,500 to 3,000. Most of this population lives
361 on the coastal area and in the cultivable wadi areas. The
remainder is scattered south of the plateau region, near the
desert proper. The 'izba' sector of al-Qasr may be described
621 as a nucleated cluster or settlement, but due to the nature
* 613 of the Bedouin segmentary lineage system, with its relatively
autonomous kin-based residence groups, this sector lacks the
usual degree of social interaction and integration associated
621 with the village or hamlet. The 'izba' might be described as a
multi-nucleated settlement or cluster. Each lineage has its
* 613 own mintaga. Each mintaga usually has a small dry-goods store
• 423 owned and operated by a lineage member and catering chiefly
631 to his own lineage-mates. Water and land in the 'izba' sector
443 are individually owned. In the barley-pasture area, rights
423 and privileges of ownership are vested in the corporate group,
* 613 even though the Bedouins and the government claim that tribally
621 owned land is illegal. All land boundaries, whether a mintaga
423 or an individual's plot, are well-marked and well-known. The

- 423 boundary marker is usually a pile of stones, a tree, a wadi, or, a line recorded on paper by two parties and given to a third to hold in case of future differences of opinion.

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[656] In the extreme southern pastoral zone, there were few permanent houses but with new government land registration laws the number is increasing. The settlement pattern in this area might be characterized as a scattered homestead type, "homesteads" being defined as tents or houses whose location is permanent. Tents are seldom, if ever, moved these days even during a heavy rainy season. This is because barley production [57] has increased, and, mainly because government aid programs supply fodder for the sheep. Bedouin shepherds in the pasture area change dwelling places, but only to move their tents from their winter protective hiding places out into the open for the springtime, or to move from their tent into the stone house for the cold, rainy winter. In either case, no real change in location is involved.

342 The tent is called bait al-'Arab ("house of the Arabs"). There are two types: the bait al-saif ("summer house"), and the bait al-rabi'a ("spring house"). The summer tent, made of "gunny" and flour sacks sewn together, is for protection from the sun. The spring tent is the real Bedouin tent. It is [286] woven from the wool of the sheep and camel hair, and is used [237] during the winter. Most Bedouin now say that they cannot afford [435] the 125 Egyptian pounds (1 pound = \$2.80) which the bait al-rabi'a costs to make or buy.

173 land along the coast: "This land was free, and the man who
[36] planted on it owned it. We call this (method of claiming land)
[425] wad'a-l-id ("laying on of the hand," i.e. seizure). There was
[423] plenty of freedom in those days. /A man could farm or keep
animals." Planting and caring for the land is not novel to
the Bedouins of al-Qasr.

423 The Bedouins claim that the pattern of land distribution
425 established during the time of Abu Mahjuba prevails today.
656 Further, they say that these rules will never change, no matter
[178] what laws come out of Cairo: "Land registration can mean nothing
where the tribes are concerned, for no Bedouin would be willing
to take the land of another Bedouin. The government forces us
to register our land so that it can be stated in the news-
paper that they are giving the Bedouins land."

* 613 The relationship between ecology and lineage territory
423 is not striking, such as in the case of the Cyrenaican Bedouins
182 of Libya (Peters 1960). In most cases, lineage territories run
on a north-south line cross-cutting the coastal garden and
southern pastoral zones. Hence, lineage territories are, gen-
erally, ecologically similar rather than contrasted. However,

* 613 there are exceptions. 'Ailit Shraif lineage (see Figure 3a
423 below), at the western end of al-Qasr's 'izba sector, settled
182 there "because of the abundance of underground water in this
241 area: the ground is rocky here and the water comes out fresh
[312] like the Nile." Their founder, Sayyid Shraif, "specialized"
[361]

*613 in farming, and he found this land "good for raising mint and
•423 vegetables." To the southeast of the 'izba, the lineages of
182
241 Lazumi and Ma'fas found the land suitable for barley and
[512] grazing. This area is rain-fed. There are no wells and so
vegetable crops are not possible here. The members of these
lineages say that their ancestors were "real" Bedouins in
Cyrenaica, and did not wish to become farmers in Egypt. It
is interesting to note that the Lazumi and Ma'fas are the
richest lineages in all of al-Qasr. They were, perhaps, better
able to maintain the traditional style of life which all of
the Bedouins claim is "the best." But all Bedouins of al-Qasr
depend to some degree upon horticulture or arboriculture.

[231] And most families own a few sheep or goats. Both Lazumi and
Ma'fas garden in their coastal sections, and Shraif members own
sheep.

656 Land registration has a history in the Western Desert.
423 The government attempted it a number of times, but with little
success until 1959 when the General Desert Development Organiza-
tion (GDDO) undertook its program of land reclamation. But the
Bedouins were settled long before this. In al-Qasr, the Bedouins
began to erect permanent stone dwellings on the land about the
time of the First World War. In the Matruh area, elder informants
agree that before 1914 the Bedouins lived in tents outside the
town area. When the British came, they began to move into town.
361 Many of the Bedouins built houses in Matruh between the years
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648

361 1925 and 1930 because, as they point out, the British
648 administration provided employment for "the poor Bedouin."

361 The wealthier Bedouins who owned camels and large numbers of
556 sheep remained in the desert. Just the reverse is happening
178 at the present time. The rich men who see the advantages in
business, and the comforts which Matruh offers, can also
afford the change of residence or the maintenance of two
residences.

175 In 1922, the Egyptian government first registered land
423 in al-Qasr. At this time, they sanctioned the tribal division
657 of territory which existed. There was no attempt to force
political integration upon the Bedouins. Egypt has never had
a nomad problem as have other Middle Eastern countries. The
history of Egypt is essentially the history of the Nile Valley.
Consequently, it is not odd that we find no mention of the
Awlad 'Ali in the historical record. The Bedouins of the
Western Desert were resigned to their place in the desert, and
the central government saw no particular advantage or disadvantage
in this.

423 Concern for the Bedouin minority in Egypt emerged only
648 with nationalistic programs of modernization. In 1954, the
Fourth United Nations Social Welfare Seminar for Arab States
in the Middle East convened in Baghdad. From this meeting
came some general recommendations for dealing with the problems
of the Bedouin. The major proposal was calculated to transform

423 the structure of both the nomadic and the sedentary tribe:
648 "Settlement should take place on the basis of granting each individual capable of working in agriculture a piece of land, the area to be fixed by the state, calculated to ensure the raising of his living standard and to enable him to support himself and his legal dependents on condition that he start cultivation of the land. When distributing the land, care should be taken that a family be settled on a single piece of land composed of the total of the plots granted to its members, the family being composed of relatives to the first grandfather" (Abu-Zeid n.d.).

423 From this point, each Arab country dealt with the
657 problem of the nomad in its own way, some effectively and others
656 not so effectively. Not until 1958 did Egypt make a formal effort to integrate the Bedouins of the Western Desert into the national society. And it was not until 1960 that the so-called "Desert Law" of 1958 (U.A.R. Law Number 124) was activated and enforced. The most important provision of this law followed the plan formulated at the Baghdad conference: "There is no recognition of tribal possession of land which is considered as belonging to the State, and whenever a family develops and plants on a holding, this gives it the right, if approved, to the issue of a title to it by the government." Law Number 124 also provided that land occupied by buildings or orchards before 1957 can be owned by the occupants at a low

• 423 cost payable over a period of thirty years. As pointed out
657 by Professor Abu-Zeid (n.d.), this law is welcomed in part
656 because the garden area to which it really applies (the garden
area in al-Qasr would be the 'izba sector) is not considered
"tribal territory" or lineage-owned as are the barley and
pasture regions.

653 Governmental activity growing out of the "Desert Law"
197 has been an important catalyst for social, economic and
* 513 political change. All of these aspects of change had reper-
cussions on the lineage system and the authority structure of
the Bedouins: In 1959, the government entered al-Qasr with
the goal of revitalizing and reorganizing the hydraulic system
of the area. The revival of the Roman water system, especially
the network of cisterns covering the southern region of al-
Qasr, and, on the coast, the restoration of the well system and
underground galleries, the drilling of new wells and the
intensification of olive farming have all led to a levelling
of economic differentiation between lineages and between in-
dividuals.

657 In 1956, the Egyptian government passed the Cooperative
197 Law (U.A.R. Law Number 217) establishing agricultural cooperative
474 societies throughout the country. But not until 1959 did this
law have any impact on the tribes of the Western Desert.

[433] Generally, the cooperative society has served as a primary
and successful agent of social change in the desert. It has

177 brings. The future of the olive tree on the coast, and the
433 growing importance of the melon crop in the southern sector
434 will be the bases of a modern al-Qasr. The table below gives
177 some indication of what the Bedouins of al-Qasr can hope for,
434 in terms of material profits, by a shift to a cash economy.
435 Prices are approximate, and as of 1964.

TABLE 4
PRICES OF KEY PRODUCTS IN AL-QASR, 1964

Crop	Price Per Unit	Possible Profit
Barley	3 L.E. per ardab (120 kg.)	20 L.E. per acre
Melon	6-12 piasters each	70-100 L.E. per acre
Mint	Few piaster per bunch	150 L.E. per acre
Olive	15 piasters per kg. of olives	1 tree=150 kg. of olives =22.5 L.E.
	40 piasters per kg. of oil	1 tree=30 kg. of olive oil =12.5 L.E.

• 423 Land Tenure and Rights of Ownership
* 613

Traditionally, an individual's rights in the land were of usufruct and tenancy. Sovereignty over the land was vested in the corporate secondary lineage group (see Figure 7). The territory of al-Qasr is a division of lineage zones, and more will be said about this in the next chapter since it relates directly to the structural organization of Bedouin

• 423 society. Private ownership of land with sovereign rights
* [613] over it is now the normal practice in al-Qasr. Rights are
[178]
[596] held by the family head, the shaib. If the family head is
deceased, land tenure rights are held jointly by the sons.

[184]
* [613] In the area beyond the plateau, in the extreme
[241] south of al-Qasr, land rights to grazing and water still are
associated with lineages. But here agriculture is impossible.
The type of rights over the land varies with the method by
which it is exploited. The southern and coastal sections of
[433] al-Qasr represent the old and the new, the pastoral traditional
mode of production and the modern agricultural cash economy.

[233] But, as noted, of the total population only a few Bedouins
are actually engaged in pastoralist activities. Hence, tribal
tenure rights, in general, are not overly important at this
time. Not too long ago they were, and many cases in the recent

[671] history of Bedouin customary law relate to conflicts over land
and water in the southern region. The Bedouins say that

[178]
* [613] traditionally no lineage could use the pasturage or water of
[233] another without some agreement, usually of long standing,
[675] made beforehand. Now, they say, permission is not needed.
In the old days, these agreements were made between lineage

representatives, not individuals per se. Today, the grass
178 and water in the southern zone are claimed, though not in a
423 legal sense, by the families using them: the rights of
usufruct over the land are closer to rights of sovereignty

178 than they were in the past. These conditions reflect a change
• 423 in social and authority relations.

423 In the 'izba sector of al-Qasr, as of 1964, there were
432 two cases of land purchase. In one case, land was sold to an
Egyptian, "an outsider" from the Nile Valley. This, of course,
could only occur where such a transaction would be upheld by
423 the Egyptian government. Land ownership, when it involves
registered land, is absolute. This, to a great extent, works
* [613] to lessen the influence of the lineage structure on property
relations. The law governing property, whether in traditional

423 or modern al-Qasr, reflects a set of social relationships.
178 When an individual can own property in the absolute sense,
571 rather than with respect to his being a member of a group
which enjoys sovereign rights of ownership, then, there has
been a change in traditional corporate relations (Herskovits
1952:260). This has definitely been the case for most of
[184] al-Qasr, and it is adumbrated in the southern sector where
a person's rights over land are nearly absolute. A compar-
423 ison of land tenure patterns on the coast and in the southern
184 region reflect not only the contrast between methods of land
use, but, also the fact that as land becomes valuable it
becomes scarce and land holdings become fragmented (compare
Figures 5 and 6).

423 When the head of a household dies, his eldest son
596 inherits his authority, but all of the sons share equally in

The Bedouins of al-Qasr claim that they 62

428 follow the Islamic laws of inheritance, in which case, a

562 surviving daughter is entitled to one-half the share of a

surviving son (Quran IV: 177). But, in only two cases did

• [423] women own land in al-Qasr: one woman was the only close survivor of her father, and, the other woman was a widow without sons. In fact, my informant even admitted that these cases were exceptional, that the women were permitted to keep the land only because the brothers of the deceased men, who are the "rightful heirs" after the sons, did not want the land. The Bedouins insist, on the other hand, that a girl can claim her share of the inheritance: "It is her right." But she will never do such a thing "because she respects her brothers too much to accept the land which is offered to her."

428 When the father's estate is large, certain measures are taken to divide it between his sons. In some cases, the division may be somewhat complex and determined over a period of time. One example of this in al-Qasr involved a wealthy man whose own property was divisible into parts roughly corresponding to ecological subdivisions. The subdivisions of the estate became the shares of the sons, and could then be separated but remain symbiotically dependent. Ecological relationships affirm social relations. The following is an

[59] account of inheritance rules in al-Qasr:

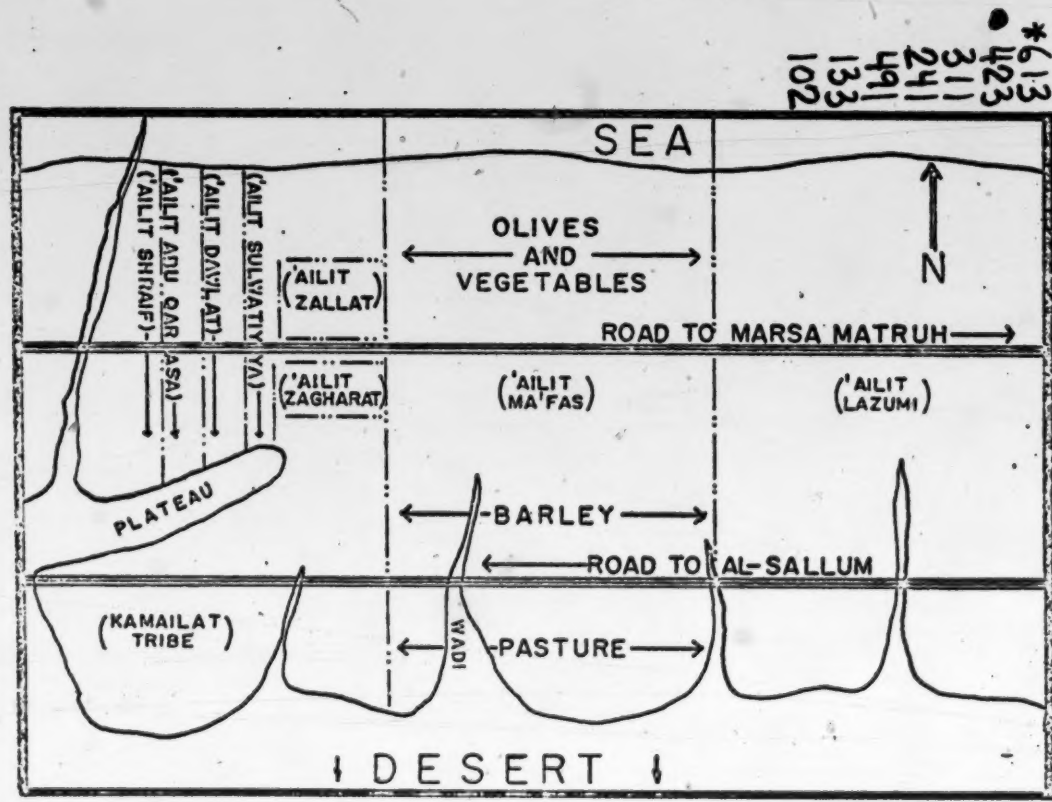
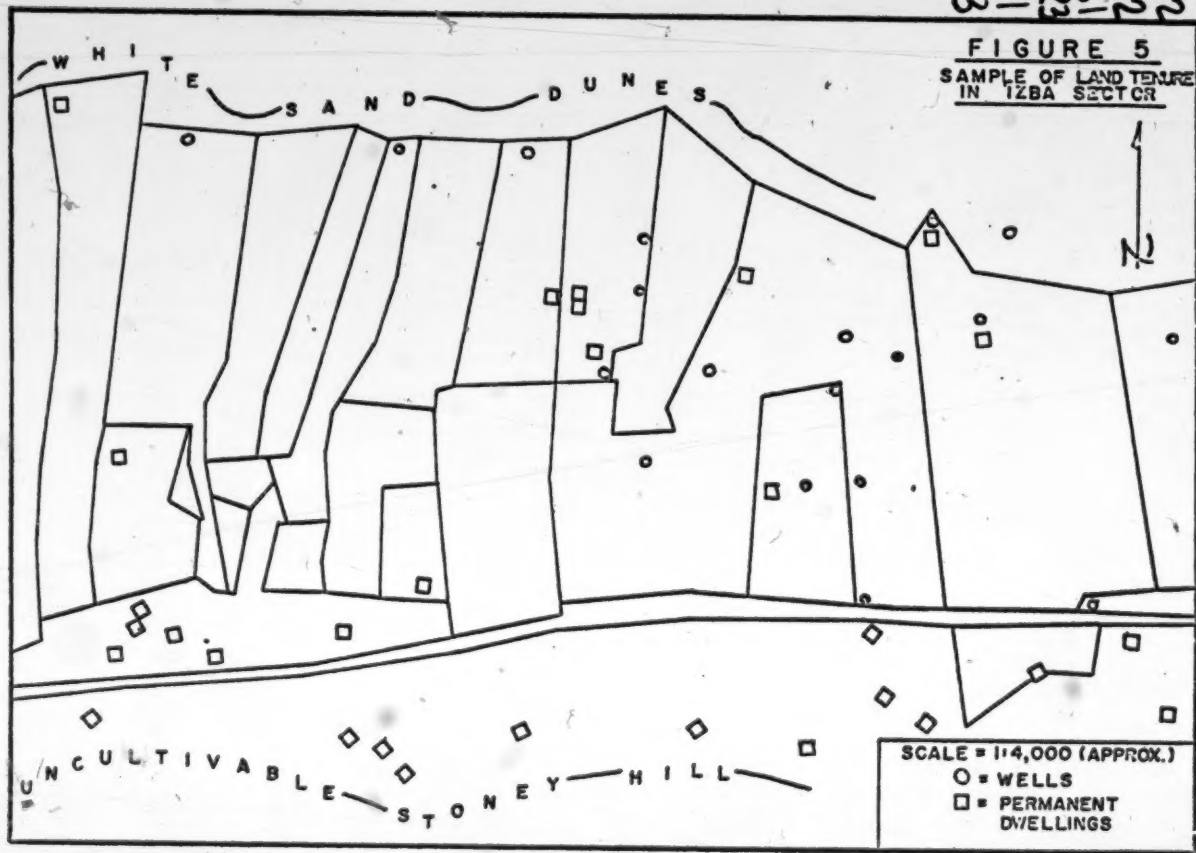


FIGURE 3a. LINEAGE TERRITORIES OF AL-QASR.

1: Obermeyer E-5 (1964-1965) 1969 MT9 Libyan Bedouin MT9
Aishabat

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361
423
311
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FIGURE 5
SAMPLE OF LAND TENURE
IN 12BA SECTOR



68

1: Obermeyer E-S (1964-1965) 1969 MT9 Libyan Bedouin MT9
Aishatbat

1: Obermeyer E-5. (1964-1965) 1969 MT9 Libyan Bedouin MT9
'Aishaibat

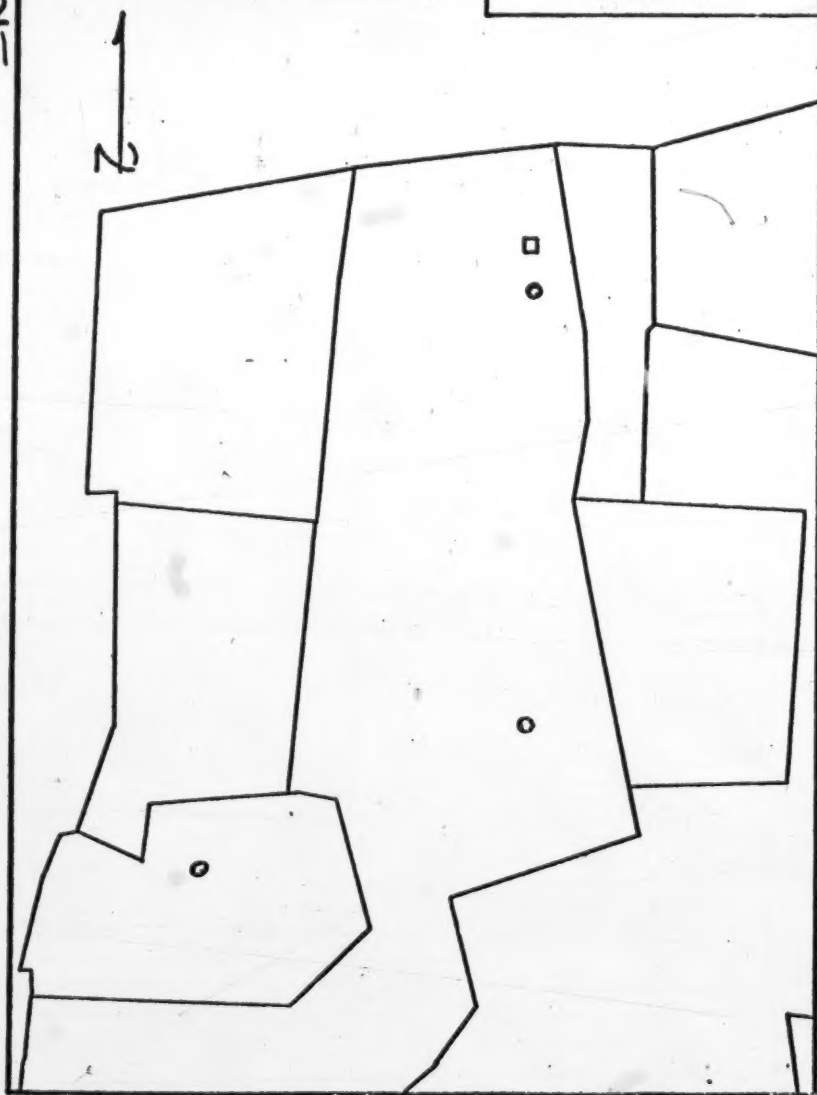
69

FIGURE 6
SAMPLE OF LAND TENURE
IN SHA'IR WI MAR'A SECTOR

SCALE = 1:4,000 (APPROX.)

○ = WELLS

□ = PERMANENT
DWELLINGS



102
● 423
312
361

* 613 'Ailit Lazumi, the other lineage, along with 'Ailit Ma'fas,
582 considered to be the most powerful in al-Qasr. In the fourth

• [423] case, Abd al-Latif's marriage into 'Ailit Dawlat, this individual owns an olive orchard in Dawlat territory, adjacent to that of Ma'fas, which he purchased from a member of his wife's lineage before their marriage. In every case, with
* 613 one exception, marriage ties are intimately related to property
582 relations, cognation with local contiguity. The two groups
421 become politically entwined, and property relations become a basis for authority relations.

* 613 All things considered, complementary filiation is as important in Bedouin society as it is in other societies:

"The bilateral family is the focal element in the web of kinship" (Fortes 1953:33). As one Bedouin wedding song puts
[533] it: "The bride is the flower of the stem," the stem here symbolizing her tertiary group.

583 The amount of brideprice which a man is expected to
554 pay will depend upon his status as an "outsider" or an "insider,"
556 and his position on the prestige scale which is figured largely in terms of wealth. A man adds to his prestige and reputation when he pays beyond the "going price" to obtain a bride for his son. On the other hand, if a man is an "outsider," he is expected to pay well beyond the normal brideprice for the privilege of marrying into the family, and he receives no additional prestige unless he goes even higher than what is

682 the diiya: the Qinaishat paid 50 L.E., the Kamailat paid
578 50 L.E., but the 'Aishaibat, the tribe of the killer paid
619 600 L.E. Of the 600 L.E. paid by the 'Aishaibat it was
*613 distributed as follows: 'Ailit Lazumi and "Ailit Ma'fas each
paid 100 L.E. because they are rich; 'Ailit Dawlat paid only
30 L.E. because they are poor, and each pays according to their
means. The 'aiela of the killer, although they are poor, had
to pay 70 L.E., and the bait of the killer had to pay 300 L.E.
All paid according to their means, except the killer's bait.
This was a special case, it never happened before and will
never happen again and this is why the killer's bait had to
pay more. The killer's bait was very poor, so what they did
not have they had to beg from the richer families of the tribe.

Legal Cases Pertaining to Property Rights

423
*613 In general, property in al-Qasr is owned either by an
individual or by a tertiary group; seldom, in these days, is
property held by the secondary lineage group. If we followed
423 classic segmentary lineage theory, seeing that the tribal
*613 political structure and the 'awaiyid are still functionally
182 intact, we might suppose that land and water possession are
[671] rights in usufruct and not of ownership. The Bedouins them-
selves insist that the rights to land and water are rights of
ownership. They state that all of the lineage-owned land,
with few exceptions, was parcelled out to tertiary groups a

• 423 long time ago. This seems to be supported by the evidence
* 613 shown below, for often conflict over land and water rights is
182 represented by litigation between individuals and not groups.
[691]

422 I have arbitrarily assigned to the classification of
562 property rights the rights over women. I have done this
* 613 because a man acquires such rights as a member of a lineage
jural group and secures them with the backing of public opinion
and the 'awalyid. Also, though a man in al-Qasr does not
"own" his wife, he does have the legal rights to certain things
related to her: he has the right to her sexual favors, and the
right to claim her offspring for his own lineage.

685 Settlement in cases dealing with the infringement of
695 property rights, if they do not lead to personal injury cases,
will usually be concluded by arbitration or oath-taking, either
of which brings the two parties into agreement.

691 Date: 1964. Case: Quarrel between Bait 'Umrān and Bait Idris
685 of 'Ailit Ma'fas over the ownership of a well. The 'awaaqil
* 613 sent for the two parties involved, and they met on Wednesday,
578 market day. And the 'awaaqil told the two parties: "This is
692 a shame ('aib), you must be friends because you are from the
same tribe." The 'awaaqil knew "from past history and from
truthful elders" that the well belonged to 'Ait Idris. The
'awaaqil made 'Ait 'Umrān change their minds about their claim
[695] to the well. Before the litigation 'Ait 'Umrān had insisted

691 that 'Ait Idris take the oath as proof that the well was
685 owned by them. Upon the decision of the 'awaqil, however,
* 613 'Ait 'Umrān refused to allow 'Ait Idris to swear the oath
578 "because we are all one family." This means, as one 'aqila
692 actually stated at the conclusion of the case, that " 'Ait
695 Idris is indebted to 'Ait 'Umrān."

• 423 The following two cases which occur in the external
675 system of political relations, one within the 'Aishaibat
* 613 territory and the other dealing with land rights in the
territory between two primary authority groups, indicate the
formal aspect of Bedouin adjudication in establishing contracts.

[539] Date: 12 August 1963. A Contract of Agreement on Land Rights.
Agreement and satisfaction took place between Hussain Karim al-Dawlat of al-'Aishaibat and Khalid Idris al-Ma'fas of al-'Aishaibat, the first and second party. And the reason for this agreement is that each of the two parties own cultivable land at Ras Wadi Madwar. The two parties wish to make a dividing line between this linear piece of land and to declare the borders. The two parties agreed on the following: first, the beginning of the border extends from the eastern side at south Ras Raqabit al-Shumar to the western side at Hatiyid and is shown by stone markers; secondly, this line should be established from the east to the west, and this is a dividing line between the two parties and was executed by them and with their satisfaction; thirdly, whoever rejects or modifies this line will be responsible in front of law and the 'awaityid Awlad 'Ali; each party is responsible for his children and relatives as to their actions regarding this line which is the subject of the agreement; fifthly, this contract of agreement which defines the borders between the two parties was issued in two copies, a copy to each party to use when it is needed.

Signatures or seals of seven men.

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Date: 12 October 1954. There came to us (i.e. the 'awaqil) on this day, Khalid Idris of al-'Aishaibat and Yunis Abd al-Nabi of al-Kamailat. The reason for their coming is a quarrel over land rights at Wadi al-Hijnaiya. And we put distinct markers between the land of the two parties, the first, Khalid Idris, and the second, Yunis Abd al-Nabi. And the boundary passes by the distinct markers; the first is the wadi marker, the second to the sea and beside the tree, and the final marker we put east of Halima well. This is a decision between the two parties in the presence of the following witnesses:

Signatures or seals of five men.

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The case given below indicates, by the use of two documents, the process of conflict settlement involving two secondary segments of al-Qasr, one Sa'adi and one Marabit.

[671] 'Ailit al-Sulwatiyya, though genealogically not members of the Awlad 'Ali and holders of a client or vassal status in traditional times, are within the jurisdiction of the 'awaiyid Awlad 'Ali. They claim their rights under it by virtue of the fact of their residence in al-Qasr. The power of ritual sanction is clearly illustrated by this case.

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Date: 30 July 1964, Marsa Matruh. First Party: Shaikh Khalid Za'aluk al-Sulwatiyya and four relatives. Second Party: Khalid Idris of 'Ailit Ma'fas and three relatives. They are present. The cause of these two parties coming together is a quarrel over a well named Halima. Since the choice [695] to swear the oath has been made by the two parties, Khalid Idris, the second party, will swear the oath supported by twenty-four members of his 'umraa al-dam ("blood group") to

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578 be chosen by Shaikh Khalid Za'aluk, the first party. The text
685 of the oath which Khalid Idris will swear is: "By the truth
691 of the owner of this tomb (magaam), and this book of God, I
619 swear that you (i.e. the 'Ailit Sulwatiyya represented by
695 Shaikh Khalid Za'aluk) have neither work of hand nor a
[539] grandfather's stake in this well." If any of the oath-takers
are missing on the day of the oath, the well will be owned
Khalid Za'aluk. And if they swear the oath, the well will be
owned by 'Ailit Ma'fas.

The date of the oath will be the first Friday of month nine,
[778] 1964. The oath will be taken at the shrine of Sidi 'Awam, and
the swearing will deal with the well only. For the land which
is west of the well belongs to Khalid Za'aluk and his family,
and the land to the east of the well belongs to Khalid Idris
and his family. And the water which is west of the well
belongs to Khalid Za'aluk. The two parties agreed to this.
(Each party, and five witnesses, i.e. rajal khair, for each
party, signed the document.)

423 Date: 30 July 1964. I, Khalid Za'aluk, have decided to cancel
619 the oath which was supposed to have been sworn on 9 September
578 1964 at the shrine of Sidi Awam. Khalid Idris and the oath-
691 takers were present and were stopped from taking the oath.
[695] And the well named al-Halima which was the cause of the quarrel

423 (nizaa'a) belongs to Khalid Idris and his brothers. This
619 happened with the satisfaction of both tribes, and this re-
578 nunciation of claim is valid from today. This paper concern-
691 ing the ownership of land around the well is valid from today
also. And this happened between the parties: (Signatures or
stamps of both parties concerned.)

(There appeared the signatures of twenty-three of the twenty-
four men who were to have sworn the oath.)

Only twenty-three oath-takers were present: 30 July 1964.

I, Shaikh Khalid Za'aluk, agree on the signatures of only
twenty-three oath-takers. (Signature of Khalid Za'aluk.)

648 We have mentioned that the 'awaiyid prevails in al-
691 Qasr, but have also noted that where the security of the
578 desert is threatened the government is likely to intervene.

The government enters tribal conflict in al-Qasr with the tacit
approval of the Bedouins. As one informant remarked: "The
'awaiyid is the best way to handle problems, but the police
will handle what the 'awaiyid cannot."

423 Date: 1964. Case: Quarrel between al-Afrad ('Ali Abyad) and
691 'Aishaibat ('Ali Ahmar) over water rights. Many members of
578 both tribes took part in this conflict. The government had
619 to intervene: they formed a peace committee made up of all
648 the 'awaagil of both tribes and the 'umda and shaikh from
* [613] each tribe.
[634]

• 423 each tribe. It was decided that the water which flows through
691 the wadi after the rains should be divided equally between the
578 two tribes, and that no one should be stopped from using the
619 water. Had not the government intervened in this conflict,
648 and had not they collected all of the weapons from the Bedouins,
this problem would have resulted in the death of many men and
even greater problems.

674 Theft is condemned by the Bedouins: "Everything in
685 the desert is loose. We must punish the thief quickly and
[682] severely." It is a fact that the man who goes to steal and
[829] accidentally kills in the act will have judged against him
[671] the full diyya, i.e., the amount for intentional killing. On
the other hand, the people of al-Qasr insist that "Bedouins do
not steal." But legal norms exist to sanction violations against
cultural ideals. The following case shows how social and ritual
sanctions operate to enforce ideals.

619 Date: 1964. Case: Quarrel between the tribe of Kamailat and
578 the tribe of 'Aishaibat over the theft of 16 L.E. Muhammad of
685 'Ailit Ma'fas was accused of stealing 16 L.E. which belonged
* 613 to Ahmad of 'Ailit Idris, Kamailat. The theft occurred while
the two were residing at a hotel in Marsa Matruh. There were
twenty other persons in the hotel that night. The accused
said: "I did not take anything."

554 tional symbol of wealth. A comparison of wealth between
571 the "status group" and "other members" of al-Qasr, and the
556 picture of stratification which emerges, are shown on Table 6.

TABLE 6

COMPARATIVE DATA ON SOCIO-ECONOMIC
STRATIFICATION IN AL-QASR¹

Average Per Person	Status Group	Others
OLIVE - trees	661	86
SHEEP - head	402	30
LAND - acres	91	5

554 One most important way of accruing "status honor"
571 in al-Qasr is by acting the part of the third party in conflict
629 situations. The role of the third party represents an effective
*613 and acceptable way of bypassing formal litigation through the
[778] office of 'aqila. For instance, by mediating through the
process of nazaala, the third party prevents feuds.

[114] ¹This data is both approximate and partial. Some data
[128] are excellent and completely reliable, others are not so de-
pendable. Factors which could conceivably change the picture
here presented would be a count of land and animals outside
al-Qasr which would be extremely difficult to obtain. Also,
some land is not in the name of the owner but in the names
of relatives. Of all the data, land data is the most unreliable.
Nevertheless, the addition of new data, I feel, would only
serve to substantiate the picture of socio-economic stratifica-
tion shown here.

*613 with Bait Bu Taram of 'Ailit Lazumi. These marriages and
159 their resultant alliances enhance the political power and
581 social status of Hajj 'Ali within and without al-Qasr.
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159 Although he has no education himself, and neither reads
156 nor writes, Hajj 'Ali has sent his son to the University of
873 Alexandria. Hajj 'Ali's son is the only boy from al-Qasr
[212] ever to attend the university. Hajj 'Ali desired that his
son study law at the university or enter the military academy
"and become an officer." But his son objected to this, saying:
"Either way I will be employed by the government and will not
be permitted to travel and see other countries." Hajj 'Ali did
not argue with this: he said that his son should study what
he wished. The son is now studying in the Faculty of Commerce
at Alexandria. Hajj 'Ali is also sending his daughters to
156 the primary school in al-Qasr. Not all of the Bedouins believe
159 that girls should receive an education.
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156 Hajj 'Ali places among the "status group" in terms
159 of wealth. Although he has now committed himself to olive-
554 farming as a way of life, he remains one of the biggest sheep
472 owners in al-Qasr. Therefore, he is identified with both tra-
ditional and modern symbols of status. Hajj 'Ali differs in
one important way from other members of the "status group"
156 in that he owns three small general stores, two in al-Qasr
159 and one far to the west in Sallum. This fact has several
554 significant implications. Shops in al-Qasr (there are five
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*[613]

156 of them) cater largely to the needs of the lineage in whose
159 territory they are located. They are operated mostly on a
554 credit basis. Lineage members, as debtors, feel gratitude
443 but also, and more importantly, loyalty toward their kinsman
• 423 and creditor. Hajj 'Ali is the only member of al-Qasr who
472 owns two shops, and the only Bedouin in the whole Western Desert
* [613] who owns three shops. His brother owns a shop in Matruh.
[452]

156 Furthermore, the shop in Sallum is in a strategic position on
159 the Libyan border which, coincidentally or not, is a point
554 for importing, and also smuggling, foreign goods into Egypt.
443 The possession and utilization of foreign products is definitely
439 a status symbol all over Egypt. Hence, the person in this
472 area who can control, however slightly, the distribution of
such goods has a lever with which to exact prestige and
favours from the "status group" in al-Qasr who now welcome
these symbols (tobacco, pistols, rifles, radios) and the
bureaucrats of Marsa Matruh who crave them (food goods,
clothing materials, car parts).

156 Besides all this, Hajj 'Ali is involved in a small
159 stone-cutting operation which supplies stones for house
551 building, he cooperates with his three brothers in a well-
[316] cleaning concern, and contracts government heavy equipment
[312] to build earth dams. The material evidence of his status
[427] is that he is the only man in al-Qasr with two compound-type
[342] houses (one he built thirteen years ago), and the only man
[595] with four wives.

233 The grazing season extends between November and April. As the dry sea-
221 son advances, the flocks are moved northward to the cultivated lands so
as to be nearer to fodder and to the waterholes which stand usually
very close to the coastal zone. During the dry season, animals live
mainly on barley straw and very little dry grass. In exceptionally bad
years, the people are compelled to dispose of their animals or to sell
some of them in order to be able to maintain the rest. In such years
the shepherds find it necessary to cross the border to the permanent
pasture of Cyrenaica in northeastern Libya, or to move to the Delta
where they may purchase the right to graze in wheat fields after reap-
ing the crop.

243 Grain crops, mainly barley, are also grown in the area. Depending
on the rainfall, pockets of land characterized by deep alluvial soil
and underground water at various depths are cultivated with barley and
other grain crops. Barley cultivation is preferred by the people be-
[246] cause it grows quickly and matures faster than wheat; also, it can be
cultivated in a range of soils and climates; it is mostly used as ani-

[132] mal feed. Barley straw is also used as fodder for animals. Because of
the erratic nature of rainfall, barley production is hazardous in most
[233] of the region. For this reason, pastoralism remains the most impor-
[433] tant mode of subsistence, and cultivation becomes secondary. Cultiva-
tion is done on the basis of shifting cultivation, which means that the
areas cultivated vary from one year to the next following the rainfall.

Land Tenure

• 423 Most of the cultivable lands, as well as the grazing lands, are
311 under tribal occupation. Awlad Ali have, by custom and usage, had for

423 many generations a recognized right by the Egyptian government to use
311 the land for grazing and cultivation, and the tribal concept is that
the land belongs to the tribe.

The concept is true with regard to wells and cisterns. But
legally speaking, land belongs to the state, and the tribal populations
in the area have only the right of usufruct. This does not mean that
the land is exploited jointly by all members of one tribe or tribal
segment, or that a man can cultivate or graze his flocks in any part
he chooses, for there is a certain correlation between the right of
usufruct and the distribution of the tribes in the area on the one hand,
and the inner tribal segmentation on the other. Although land is not

(556) an object of ownership in itself, and wealth is not spoken of in terms
of land, yet, the distinction between ownership and usufruct in the

423 area is sometimes very hard to draw. Each tribal segment has its name
311 associated with a specific area of land which it regards as its own
619 and whose boundaries it defends against other tribal segments. The
tribal segment whose name is associated with a certain locality not only
has the right to use the land, but this right is also vested in it to
the exclusion of other segments. Within such an area, each subsegment
has the right to a portion of the land to the exclusion of the other
subsegments. While individual members of the tribal segments know the
land belonging to their tribal segments, their right is not associated
with a specific patch within the total area. Individuals usually cul-
tivate different patches within that total area as the need may arise;
but one cannot cultivate a patch in an area belonging to another tribal
segment except under certain conditions. This does not mean that the
individual cannot claim the right to a specific patch, for not only

423 can he do this, but he can also sell that right. The right to sell the
311 share of the tribal land has recently become recognized in the Western
619 Desert, and the usufruct right is being treated in the same way as
ownership.

423 While the boundaries of the cultivable land belonging to the tribe
311 are guarded, when it comes to grazing land, the boundaries are not so
619 much enforced. The tribes of the Western Desert of Egypt are quite tol-
233 erant in allowing members of other tribal segments to graze their flocks
wherever grazing lands are available. Everyone from any tribe can graze
his flocks in areas that offer better pasture. But in doing so, he does
not have the right to use the wells and cisterns of the tribal segment.

[312] Water is scarce and valuable. Cisterns are owned by the tribal segments,
[432] and if an outsider wants to use the water, he has to buy it from the
owner for the whole season for a sum ranging between \$100-\$180.

423 In 1958, with the extension of the Mariut irrigation project, a
656 Desert Land Possession Law was enacted and came into force in 1960.

This law restates the right of the government to the ownership of the
land, and therefore does not recognize the tribal possessions of the
land, even when they have made certain improvements in it, such as
planting trees or digging wells. However, it gave the right of the
occupants of a certain area of land to request either the purchase of
the land or its lease for a period not exceeding nine years, granted
that such is made within one year of the passing of the law. Failing
to do so within one year, the government will either remove the plants
and buildings, or confiscate them without compensation.

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The above law met with opposition from the tribal population in the area. As a result of this opposition, a new law was enacted in 1964 (Law #100). Although this later law eliminated some of the shortcomings of the previous one, it is not itself without disadvantages. The 1964 law recognizes the Bedouins' right of ownership only in areas where the fairly permanent trees were planted before 1958. Rain-fed areas cultivated from season to season are excluded. The new law also provides for the sale and transfer of land. Any person can purchase up to 50 feddans (acres) provided that he can develop it into an economic enterprise. The law also provides for the distribution of arable lands in such a way as to permit each head of household to own 10 feddans and to be provided with water possibilities. The price of this kind of land is to be paid over a period of 30 years. Settlers are encouraged and helped in planting trees and building dikes. So far, 8,600 feddans irrigated by windmills have been possessed by members of Awlad Ali tribes, and titles to their holdings are being issued.

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With regard to grazing lands, no legislation has yet been issued, and the government feels that at this stage of development, it is essential to start educating and inducing the tribal population of the Western Desert in initiating and implementing new programs for preventing overgrazing and controlling the number of flocks.

The Group

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The name Awlad Ali covers a number of ethnically distinct groups. In addition to Awlad Ali proper (the descendants of Ali), referred to as the Sa'adi, it includes a number of Murabiteen (holy men) tribes who are attached to various segments of Awlad Ali and occupy an inferior political position. The name also includes various peasant

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619 from forced labor in government projects and released from the pay-
175 ment of taxes. The government agreed to these demands, and on their
648 part, Awlad Ali helped Muhammad Ali extensively in his military expedition in Syria and Arabia and were a major factor in the battle of 1815 at Bissel where he succeeded in breaking Wahabi power. They also helped his son, Ismeal, in his expedition to the Sudan.

[701] Later, when the Egyptian army was organized, the government exempted Awlad Ali and other tribal groups which helped in the military conquests from military service, but required them to undertake the guarding of the desert roads and the frontiers of Egypt. Also, in exchange for their previous services, they were given the right to use the land of the Western Desert and left the question of its distribution among the various tribal segments to the native tribal leaders.

619 Finally, in 1832, Awlad Ali were granted a form of legal and political
175 autonomy whereby the government acknowledged the tribal legal and
648 judicial system as the means to settle disputes between members of the
642 tribe. The government also recognized the authority of the native tribal leaders and allowed the tribal populations to be governed by their own native system of leadership.

This political autonomy of Awlad Ali existed until 1947. Although their usefulness to the government had long ceased to exist, they had continued to enjoy the privileges they had obtained earlier. This was partly due to the fact that the various governments that came after Muhammad Ali showed no interest in the area occupied by Awlad Ali. There were no taxable lands in the area, no natural resources of any promise, and the tribal population did not present any particular problem to attract the attention of the government. There was some smuggling

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[675]
[672] for the actions of the members of their former Amar, nor is the Amar responsible for theirs.

Units thus separated establish themselves as separate Amars. These units are commonly referred to as Eila, thus retaining the structural label of the higher order of segmentation. This is not always the case, however, and other segments may refer to them as Baits rather than as Eilat. This explains, at least in part, the tendency toward blurring the formal scheme on the next level of segmentation, that is, of the Bait, and may account for the variable meaning of the term Eilat itself.

The Bait

While the Eila or Amar-el-dam is the most important political unit by virtue of being the vengeance group and therefore, the individual's major support group, it is the Bait that constitutes the most visible political unit.

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● 423 The Bait is the only corporate land-holding group. While the Eila is usually associated with a certain geographical locale which it considers as its homeland or "watan", it rarely, if ever, utilizes this land as a corporate unit. Instead, the land is divided among the various Baits constituting the Eila. The land of the Bait is not divided and each member of the Bait can, at least theoretically, cultivate or graze on any part of it.

613 But the one important characteristic of the Bait which distinguishes it as a political unit is the existence of a formally recognized leadership in the position of the Aqila (lit. wiseman). The Bait is the only structural unit with such formalized leadership. The Aqila is responsible for all members of his own Bait whose number varies from 20 to 60

613 individuals. He settles disputes among them and represents them in their
[627] disputes with outsiders. He is also the spokesman of his Bait in all
matters involving the relationship of the Bait with the other tribal seg-
[682] ments. He is responsible for the collection of the bloodmoney from mem-
bers of his Bait and has the authority to confiscate property of individual
members who refuse to pay their share. When a member is financially unable
to pay his share, the Aqila is expected to pay for him and collect at a
later time when the member is in a position to make such payment.

613 Originally the position of the Aqila was a hereditary one with the
428 position passing from father to son. However, in recent years the rigid-
178 ity of the patrilineal descent as the basis of succession to the position
of the Aqila has been modified radically and other principles of selec-
tion have been introduced. The working of the principles underlying the
613 selection of the Aqila will be analyzed in detail in the following chapter
128 through the close examination of one of the major legal cases which oc-
curred during my stay in the area.

613 Thus each Bait is a division of one of the Eilas and this has its
[423] place in the formal tribal system. It constitutes a group with definite
usufruct rights to land and a formally recognized leadership.

621 But the actual residential units in which Awlad Ali live are not
[613] baits but parts of them in the form of separate camps or "nagel". The
camps constitute the primary communities of Awlad Ali. A camp consists
[594] of a number of tents ranging from four to twelve. Each tent is usually
occupied by one nuclear family of a husband, his wife and children. In
[595] cases of polygynous marriages, each wife usually occupies one tent with
[361] her children. Each camp is separated from the next one by a distance
which ranges from two to ten kilometers.

522 such compensation. In forfeiting her rights of inheritance, a woman
428 secures for herself and her children the continuous support of her
593 kin-group and the protection of her rights. This support was denied
in the few cases I was able to collect in which the woman demanded her
share of inheritance. The following is one of these cases. The material
159 presented is a summary of the life history of Fatma, who at the time of
562 the study, was a shopkeeper managing the small general store she owned
428 near the railroad station of Burg el-Arab, some fifty miles west of
593 Alexandria. She also practiced healing and midwifery on a part-time
[444] basis.
[548]

Fatma was the only daughter with four sons of sheikh El-Asi, who
at one time was the aquila of bait Hussein of the Sanagrah tribal segment
in the area. He was also known as a mardî and was frequently sought in
[627] mediation of disputes. He was believed to have supernatural power which
[155] he used to cure people for a certain amount of money. During his life-
[154] time, he had acquired a sizable sum of money which he invested in live-
[233] stock. At the time of his death his herd, which numbered more than 900
[422] sheep and goats, was considered the finest in the area. He had no barley
[423] lands because his camp was deep in the desert, but he had fine grazing
land.

Throughout the area the four sons were known for being arrogant and
irresponsible. Three of them were employed by one of the irrigation
projects carried on by the government in the area as construction
workers; the fourth looked after the herd of his father. All four were
known as chasers of women, and they frequently went to Alexandria to
visit prostitutes and drink liquor.

[444] Fatma was first married when she was eighteen to a man from
Alexandria who had opened a general store in the area where her father

683 was to be paid unconditionally and consequently would cost all
682 members of the amar; but all these attempts failed. At this point,
672 there was no doubt on the part of the attending crowd about Muftah's
695 responsibility for the death of Selouma. The question was, how much
613 had he to pay. The amount requested by Selouma's son was that for
"intentional" killing on the basis that Muftah had willfully thrown
the rock knowing that it might harm Selouma, especially considering
his age.

683 After long and intensive negotiations with the interested
682 parties, a Mi'ad was set in which it was announced that Muftah had
672 to pay the amount of L.E. 200. In his reasoning, he stipulated
629 that the wound which had caused the death of Selouma, although it
was intentional on the part of Muftah, was inflicted by a stone
which in itself is not a lethal weapon, and therefore the death
was an unintentional one for which the bloodmoney is customarily
estimated at L.E. 300. He also stated that in the excitement that
[845] followed the death of Selouma, Muftah's pregnant wife had lost the
child. The bloodmoney for the still-born infant was estimated at
L.E. 100, which was deducted from the amount of bloodmoney that
Muftah had to pay.

CASE #3: The Case of the Trespasser

311 This case occurred during the year of the fieldwork which was
423 the second dry year the area experienced. Rain had not fallen ex-
613 cept in a very few places. One of these places was near the small
[32] town of Sidi Barrani in which the land belonging to Yadem and his
Bait was found. Yadem had sown his barley which at that time had
grown to about five feet high. Surrounding the cultivated land

311 was a large area of grazing land which also belonged to the Bait
423 of Yadem. The area attracted a large number of tribesmen who
613 brought their herds for grazing. One of these was Kuraïem from
233 Awlad Kharouf tribal segment. He brought his wife and child and
311 a herd of more than two hundred sheep and goats. Although it is
619 not proper for one to cultivate the land belonging to another
613 tribal segment, yet, when it comes to grazing land, no such restriction is imposed. Only the permission of the aqila of that tribal segment is required, and even that is granted so automatically that many tribesmen do not bother to ask for such permission. Kuraïem took this permission for granted and pitched his tent in the grazing land of Yadem and his Bait. Yadem, however, 233
311 was disturbed because he thought that Kuraïem grazed his flocks in
578 an area very close to his cultivated barley, so close that he feared that the animals might eat the growing barley. When Yadem asked Kuraïem to move a little further and Kuraïem refused, they entered into an argument during which Yadem told him that if he did not move by the following day, he would break his neck. The following morning Yadem went with his brother to see if Kuraïem was still there. Both Yadem and his brother were armed with heavy sticks. As they reached Kuraïem's tent, they hit him with the sticks on [682] the head. Kuraïem fell on the ground, and they kept hitting him until he was dead.

682 In due course, Kuraïem's family claimed L.E. 400 bloodmoney
672 for the intentional killing of Kuraïem. Yadem and his family rejected the claim and insisted that the killing was unintentional. The [627] Mi'ad was held, and the two Mardis selected by the two parties

221 them to live on the country to a great extent. In normal times
233 the Bedouin drive their animals on the hoof to Egyptian
[439] markets, slowly, along this rich southern pasture belt, grazing
as they go, so that they arrive in good condition. Finally, there
can be no doubt about the correctness of the Arab claim that a
few weeks residence in the open steppe is a tonic for man and
beast.

233 It must be remembered that there are no water problems at
312 this time of year. Sheep, goats, and camels do not have to be
423 watered from the time the first rains make grass till the end
of April or early in May; even horses do not drink until well
into April. This fact is important, because it means that the
prolific pastures can be grazed by all without dispute, since
the wells, which belong to tribal sections or families, are
not drawn on. While rain is still falling regularly human re-
quirements are met from pools. To the south of the Tariq
'Aziza, generally speaking, there is no ownership in land—
there are no *hudud*, boundaries, as the Arabs say—and anyone
may cultivate or graze where he pleases, but there is strict
ownership in wells; whereas to the north of the Tariq 'Aziza
there is less narrowly restricted ownership in water, which is
here spring water in abundance, but there are well-defined
rights in arable.¹ The water of the southern wells is essential
for the Bedouin who own the country and who live in it all the
year round, and their rights are respected by those who graze
there. Sheep and goats need only drink every second or third
233 day, even in the hottest weather, so that in the period of meagre
312 pasturage they have a wide range of grazing from the wells,
and the dry grasses, supplemented by evergreen shrubs of the
goosefoot family, are sufficient nourishment for them. Wells
are numerous in the steppe but few of them last out the summer.

233 The animals grazed in the southern steppe are mostly sheep
and camels. The Bedouin say 'Cattle and goats do not migrate;
[221] camels and sheep do'. Camels are essential to nomadic life as
it is impossible to move camp without them, and the richer
Bedouin are in camels the more frequently they move, seeking
231 richer pastures. Cyrenaican dromedaries are heavy beasts,

¹ Enzo Savarese, *Le Terre della Cirenaica*, Pt. II, 1928, Chap. VII; Massimo Colucci, *Il Regime della Proprietà Fondiaria nell' Africa Italiana*, vol. i, 1942, pp. 210 seq. and 220 seq.

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sections of a tribe may be opposed to one another they regard themselves as an undivided group in opposition to neighbouring tribes, and are so regarded by their neighbours. Thus a Qalbati is only a Qalbati in Hasa country. In 'Abaidat or Bara'asa country he is a Hasi. Likewise a Darsi or an 'Abidi in contrast to members of other tribes regards the whole of the Darsa or the 'Abid as his people, his tribal brothers.

Each tribe in this commonly accepted sense has its *watan*, its homeland, its soil, its arable, its pastures, and its wells; and each has its camel-brand which is also carved on the tomb-stones of its dead. The tribal lands are vested in the tribe, which has residual rights in them. They cannot, therefore, be alienated to other tribes without the consent of the whole tribe. A tribe is conceived of as a huge family descended from a common ancestor, from whom the tribe generally takes its name. Hence its segments can be figured either as a series of political sections or as genealogical branches of a clan.

A tribe is divided into several, generally two or three, primary divisions, or sub-tribes, which own well-defined portions of the tribal territory, in most cases running in strips unbroken by intrusive elements. These primary divisions are of the same pattern as the tribe of which they form part. Each division has its *watan*, which its members own and defend collectively. They believe that they are descended from a common ancestor, who is generally a son of the ancestor of the tribe. Primary tribal divisions split into secondary divisions, and secondary divisions into tertiary divisions, and so on. Each of the smaller divisions is a replica of the larger ones and has the same preferential and exclusive rights in its lands, an encroachment on which by another division will lead to fighting. Each has within the tribal brand its special lineage markings. The members of each division also consider that they are descended from a common ancestor who, in his turn, is descended from the ancestor of the larger division of which they form a section. The further the sub-division the more the resultant groups take on the complexion of kinship aggregates, rather than of political aggregates.

These kinship aggregates or extended family groups are the basic units of tribal life. They are called *biyut* (sing. *bait*). The tribe may be the residual owner of land and water but the *biyut* are the owners in use. Their members live in the same

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safe place when on seasonal moves. Often a shrine, sometimes the shrine of a very famous saint, is no more than a wall of stones, with perhaps a stick, with pieces of cloth tied to it, erected over the grave, and this is the usual form in the steppe grazing-grounds. There are generally cemeteries around the tombs. [778
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All these shrines are visited by the Bedouin from time to time, when they are passing by or when they have some request to make of the holy man. Many of them are cult centres, an annual ceremony, one of the chief events of the Bedouin year, being held at them; and when they are near the border between tribes, or between tribal sections, this is an occasion for intertribal, or intersectional, gatherings. There is no saint whose tomb is much visited by the Bedouin who has not performed miracles, some of them very remarkable miracles, and there is probably none who has not at some time or other cured the sick or given an heir. [796
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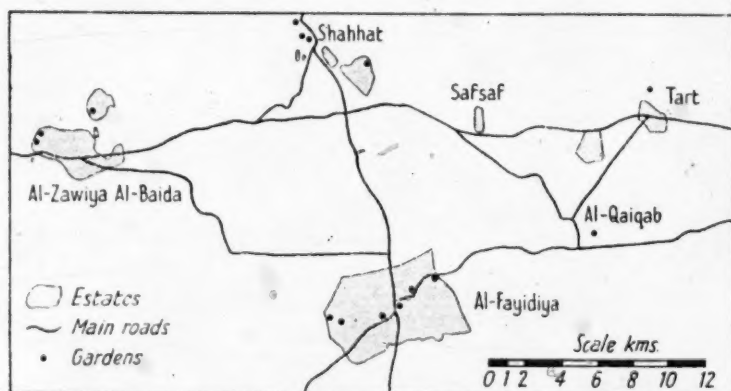
The tombs of these holy men, Sidi this, Sidi that, and Sidi the other, are found in profusion over the whole of inhabited Cyrenaica. The historically best known are those of Sidi Rafa', one of the Companions of the Prophet, near al-Zawiya al-Baida on the plateau, of Sidi 'Abdalla, one of the Prophet's standard-bearers, in the oasis of Aujila, and of the founder of the Sanusiya Order, Sidi Muhammad bin 'Ali al-Sanusi, at Jaghbub oasis. The shrines belong to the tribes and tribal sections in whose earth the Marabouts are buried and the Marabouts are looked upon as tribal and sub-tribal patrons. Like the Sanusiya Order, they have become part of tribal life. [619]
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I have earlier reproduced Col. De Agostini's map of the Hasa tribe to serve as an example of the territorial distribution of lineages. The same map serves to illustrate the distribution of shrines in a tribal territory. It can be seen from this map, which shows only the best-known Marabout tombs, that all the different sections of the tribe have their shrines, and I would draw attention to an interesting feature of the distribution which I have also noted in other tribal areas: how often these sacred spots are near a tribal boundary, or near the boundary between one tribal section and another. This may not be pure chance, for the Marabouts in their lifetimes were regarded as standing outside the tribal system, to which indeed, being foreigners from the west, they did not belong, and their chief political role was [778
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for they might then settle the matter by surrendering their claims to the zawiya.¹ Another way in which a lodge obtained rights in land was by asking permission of its owners to sow it. Constant repetition of this favour eventually gave the zawiya rights of use in it in perpetuity.

The tribesmen also assisted the Shaikh of the lodge in the cultivation of the lands, though most of the work was done by



Sanusiya Estates of the Zawiyas of Shahhat, Tart, al-Fayidiya, and al-Zawiya al-Baida.

the zawiya community itself. At sowing time the Shaikh would pitch his tent near the area to be cultivated and prepare a communal meal, taking with him some sacks of rice for the purpose. The local Bedouin then came with their draught animals and sowed and ploughed for a couple of days on behalf of the zawiya. The same procedure took place at harvest time. Besides gifts of land and voluntary service in cultivating, the Bedouin were expected to pay a tithe to the lodge at harvest time and after lambing. No doubt many of them paid annual dues but it is unlikely that any strict record was kept or that payment could have been enforced had they been averse to making it.

That it was expected that the Bedouin might promise services more readily than perform them is suggested by an interesting document, dated 1307 A.H., found by the Italians at the

¹ Savarese, op. cit., p. 193.

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*175 Taukra zawiya and given in an Italian translation by Judge
*795 Colucci.¹ In it the tribal sections of the Baraghtha, Tursh,
794 Dinal, and Shilmani place themselves under obligation, through
the signatories to the deed, to pay the zawiya of Taukra alms
on flocks and crops, to supply camels to carry supplies to
Jaghubub, and to help the zawiya in sowing, building, excava-
tions, and other works. Subject to the penalty of paying double
alms they will not, without the permission of the Shaikh of the
zawiya, render like services to other zawiya. They promise
also to defend the zawiya and to respect those who live in it, or
who are its guests, and agree that those who fail to do so may
be punished in body or in estate. Each will be for the zawiya
and the zawiya for each. God is greater than any man. Those
who are obedient will be recompensed by Him. Peace be to
those who follow the right path.

*795 The estates of the Sanusiya Order were *waqf* (called in
• 423 Cyrenaica *habus*), inalienable endowments made in love of God
by tribal sections and sometimes by individuals. They belonged
to the various lodges to which they were donated, with the
Order as a whole as residuary, and not to the family of the
Grand Sanusi or to the Shaikhs of the lodges.² It was under-
stood that when Bedouin donated tracts of country round a
lodge they could continue to pasture and sow on any land not
being used by the resident Brothers and to use the wells when
[793] there was sufficient water in them. The Shaikh of a zawiya was
the legal administrator of its properties. The Head of the Order
had no direct say in the administration of the estates, and in all
probability only knew roughly of their extent. The revenues of
[434] one lodge could not be used for the upkeep of another, but any
surplus over the expenses of a lodge were paid into a central
*795 pool. The members of the Sanusi family and the teachers and
794 administrative officials of the Order lived in the distant oases
of Jaghubub and Kufra, which produced little but dates, and had
to be supplied from the lodges of the coastal region. Supplies
were sent by caravan partly in local produce, such as skins,
wool, grain, butter, honey, and meat, and partly in money or
[431] imported goods: rice, tea, sugar, and cloth. These gifts were

¹ Op. cit., pp. 434-5.

² Fernando Valenzi, 'La Senussia in Cirenaica ed il suo Patrimonio',
Rivista delle Colonie Italiane, 1932, pp. 432-3.

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sadaqa, freewill gifts, though if a lodge did not send them its Shaikh was reminded of his obligations. The lodges dealt with certain trading houses at Banghazi, giving them import orders against future sales of local produce.

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This practice worked well enough during the lifetime of the founder and his sons but, as so often happens in Islamic Orders, later descendants began to demand individual shares in the wealth of the Order. While Sayyid Ahmad al-Sharif was its third Head it began to be the custom, a few years before the Italian invasion, to earmark the surplus revenues of particular lodges for particular members of the Sanusi family, and these members became regarded as patrons of the lodges which supplied them and responsible for their supervision. The territories in which the Order was dominant began to fall into spheres of influence controlled by individual members of the family, the allocation of spheres tending to be determined by the maternal kinship of various members with *Ikhwan* families occupying lodges in them. Sayyid Muhammad 'Abid and his brother Sayyid 'Ali al-Khattab had a lien on the *barqa al-baida* and Fazzan, where their maternal relatives the Ashhab family were influential Shaikhs of lodges; Sayyid Safi al-Din on the *barqa al-hamra*, where his maternal kinsmen the Mahajib family were predominant; Sayyid Muhammad Hilal on the Marmarica where his maternal kinsmen of the Sharifian Tursh lineage had considerable influence; and Sayyid Idris and his brother Sayyid al-Rida on the Cyrenaican plateau, where they had maternal ties with the important Bu Saif and Ghumari families. Sayyid Ahmad al-Sharif had a lien on Tripolitania, where lived his maternal kinsmen the powerful Fawatir tribe of Zlitan territory.

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The endowments of the Order in Cyrenaica ran into thousands of hectares.¹ Several lodges had each more than 1,000 hectares attached to them. The fourteen lodges whose lands were technically registered in 1919 by a mixed Italo-Sanusi commission possessed more than 50,000 hectares. The total lands of the Order may well have been more than 200,000 hectares, or somewhere in the neighbourhood of 500,000 acres. Much of the land was of use only for grazing, but much was valuable agricultural country on the plateau. Wherever there were

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¹ An *Ellaro* is 10,000 sq. metres or 2.471 acres.

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● 423 springs and gardens there were properties of the Order, for such sites were particularly suitable for settlements of its Brothers since, unlike the Bedouin, they were sedentary and house-dwellers. In the semi-desert the Order owned, or part-owned, many of the best wells. In the oases of the 29th parallel and in the Archipelago of Kufra it owned extensive gardens and shares in springs and many thousands of date-palms. As it was a country and Bedouin Order its urban properties were inconsiderable: a few houses, mostly used as shops, in Banghazi, Darna, and al-Marj.

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361 Anyone who studies the distribution of the Sanusiya lodges in Cyrenaica will observe that they were placed where he might expect them to have been placed on a politico-economic plan. A very large number were, as I have mentioned, built on Graeco-Roman foundations, and they were constructed on important caravan routes, on small inlets in the coast to command schooner trade, and in strong defensive positions. They were distributed to cover all the more important tribal aggregates, and the principal lodges were built at the centres of tribal life, as is especially evident among the southern nomads, who concentrate in summer time at such points as al-'Azziyat, al-Makhili, al-Nayyan, al-Qatafiya, and al-Naufiliya. In other words, where the Greeks and Romans and Turks found it convenient or essential to build villages and posts was where the Sanusiya established its lodges. Later the Italians used many of the same sites for their administrative and colonist settlements.

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434 On assessments made by the Italians in the early days of their occupation, in 1913 and in 1919, for twenty Cyrenaican lodges of the Order it can be reckoned that their total annual revenues were about 150,000 Lire. On this basis, as those assessed were representative, a rough estimate of the total revenue of all the lodges in Cyrenaica would be about L. 400,000 or 10,000 Pounds Sterling at the 1919 rate of exchange. Of the lodges for which assessments were made, those with the largest revenues were al-'Azziyat, al-Qasur (L. 15,000), Msus (L. 20,000), and al-Tailimum (L. 20,000). The surpluses sent to the Headquarters of the Order were estimated for only eight of the zawiyas, and in these eight cases the surplus amounted to rather under a third of the total revenues. Gen. Rodolfo Graziani

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*795 opportunity to worship in a mosque, and that by charity to their
794 lodges they might earn recompense hereafter.
182 Each lodge had its Shaikh, who represented the Head of the
*795 Order. He arbitrated between the Bedouin, led the tribesmen
793 to holy war, acted as intermediary between the tribe or section
and the Turkish administration, dispensed hospitality to
travellers, supervised the collection of tithe, directed cultivation
of grain and care of stock, dispatched surplus revenues to
the Headquarters of the Order, acted as prayer-leader on
Fridays, and assisted in preaching and teaching. There were
(794) besides a number of other functionaries among the Brothers:
the Shaikh's deputy, the *imam* to lead the daily prayers and to
teach the Koran and canon law, the *mu'allim* to teach reading,
writing, and arithmetic in the zawiya school, and perhaps a
special *muadhdhin* to call the faithful to prayer, though any of
the Brothers could do that.

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*795 In principle, as we have noted, the lands attached to lodges
793 belonged, like the lodges themselves, to the Order, and more
• 423 particularly to the lodge to which they were donated, and not
to any particular individual or family. In practice certain
Shaikhly families tended to gain an hereditary interest in them.
*795 What happened in the early days of the Order was that a Shaikh
793 was sent by its Head to found a lodge and when it was estab-
423 lished he was translated to a fresh missionary field. Shaikhs
428 of lodges were in this way moved fairly frequently at first, but
602 it later became the practice to leave a Shaikh in charge till his
death and then to nominate his successor from among his kins-
men, with the approval of the tribe and on the advice of Shaikhs
of neighbouring lodges. What mostly seems to have happened
was that the tribal sections concerned asked for a son or brother
of the last Shaikh to be appointed director of their lodge and the
Head of the Order confirmed their choice. As one Darsi tribes-
man put it: 'The Shaikh of our zawiya must be a man favoured
by the hearts of the people.' In course of time the tendency for
the Shaikhship of a lodge to be regarded as hereditary became
very marked, it being understood that if there was a suitable
candidate from the family already established in the lodge he
would be appointed, a view with which the later Heads of the

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Order concurred. Thus we find charge of a zawiya continuing in the hands of a single family to the point at which Muhammad Yahiya bin al-Sanusi bin 'Umar al-Ashhab was appointed by Sayyid Ahmad al-Sharif to succeed his father as Shaikh of Msus at the age of sixteen. Some of these families sent their roots so deep that not only did they obtain what amounted to hereditary rights to a particular lodge, but controlled several lodges. Such were the influential families of Ghumari, Kalili, Farkash, and Ashhab, and the Khattabi families.

Hence we find to-day that many of the lodges are in hereditary charge of a family of Shaikhs who consider that they have a pre-emptive claim to its directorship and to enjoyment of its revenues, a claim backed by tribal opinion and by the acquiescence of the present Head of the Order. Thus the Dardafi family may be said to own the Shahhat lodge, the Isma'ili family to own the Fayidiya lodge, the 'Ammur family to own the Qafanta lodge, and so on. So much is this the case that disputes now sometimes arise, as in 1942 at Qafanta and Mirad Mas'ud, between members of a family about which of its members should succeed to the directorship of a lodge and control of its revenues.

This development is not surprising. Poor communications and the troubled times since 1911 have encouraged local autonomy in the Sanusiya organization. The Shaikh of a lodge brought up his family in it and his sons had no other home than the lodge and no other friends than the Bedouin around it and the families of Shaikhs in nearby lodges. Tribesmen dislike change and prefer to have for the Shaikhs of their lodges members of families they know and who share their local interests. But the tendency towards hereditary succession is also related to the fundamental lineage structure of the tribes among whom the lodges are distributed, for it is noticeable that whereas hereditary succession became customary in the Bedouin, or tribal, lodges, it has been by comparison lacking in the urban lodges of Banghazi and Darna and in those oases where tribal structure has become obscured by village life. This would seem to suggest that *Ikhwan* families tend the more easily to become stabilized as lines of hereditary Shaikhs the more closely they are associated with tribal structure. It is precisely in the most powerful, numerous, and integrated tribal sections that we

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their rights in it, and this presented no more difficulty to the lawyers than the discovery of a formula to cover confiscation of the Sanusiya properties had done.

Ancient rights in the lands of Cyrenaica rested with the *Sa'adi* tribes and whatever tribal fragments they permitted to reside there by grace. Disputes about ownership had been settled either by war or through discussion between the groups concerned in them, sometimes with the aid of Turkish officials or Marabouts, particularly of the Shaikhs of Sanusiya lodges after the Order had become established in the country. In 1858 the Ottoman Government, under pressure of Western ideas, promulgated a land code in all parts of the empire, and to put it into effect in Cyrenaica the Governor, Khalil Sami Pasha (1863-8), appointed a committee which declared the lands round Banghazi and Darna to be for the use of these towns and the rest of the country for the use of the tribes in occupation of it, except for barren hills and deserts which, like woods and roads, were regarded as the natural demesne of the State. The tribal boundaries of to-day were finally fixed by this committee, though the fixing of them was less an adjudication than a recording of existing conditions.

The new Turkish land code operated in the towns and just outside them and was not applied to tribal lands and grazing grounds, and the tribes were not asked to acquire a title to their lands by registration of them. This would have been an impossible task, and the Turks were in any case too wise to meddle with Bedouin lands, knowing that the Bedouin would not have consented to change or interference of any kind. Nevertheless the State claimed all tribal lands not bearing buildings or plantations as *miri*, public demesne, and from a legal point of view it was in virtue of this absolute and residuary ownership that it taxed the tribal occupiers and users of the land. This was a legal formalism which made no difference to anyone since the Government had neither the wish nor the power to exploit the lands and accepted that the tribes had rights of use, the *tassaruf*, in them in perpetuity. The Italian Land Registry, created in 1913 on the basis of the Turkish registers, followed Turkish practice in this matter, classing tribal lands as State demesne in which the occupiers had rights of use, and also in allowing tribal disputes to be settled by tribal custom, which

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*175 the Italians called *Sa'adi* law. In 1923 the Land Registry, which
*648 had hitherto restricted its attention to urban properties, took
• 423 the first steps towards an assessment of tribal lands and by the
619 end of 1932 had registered in the name of the Colony 120,790
hectares, a large part of which was already marked for colonial
settlement. The lands were acquired by 'natural right' (9,124
Ha.), by purchase, expropriation, and renunciation (43,441 Ha.),
and by confiscation of Sanusiya estates (62,225 Ha.) and of
properties of persons fighting in patriot bands and classed as
rebels against the State (6,000 Ha.). However, expropriation
for purposes of public utility and purchase were found to be
slow, expensive, inadequate, and, in the political circumstances,
inopportune methods of acquiring land for colonial settlement.
Both also led to most complicated disputes about the distribu-
tion of the compensation in a country where every member of a
tribe had preemptive rights of some degree in all its lands. In
1928 a new system was therefore adopted. The State in virtue
of its supreme authority asked the owners of the lands con-
sidered useful to the State to renounce their rights in them.
Compensation was to be divided equally among the various
participants in the *tassaruf*.

*175 No action of the kind allowed for in the new decrees was, or
*648 could be, taken till the Bedouin had been subdued. It would
423 have been useless to attempt to register the lands of the Bedouin
in the name of the State on those parts of the plateau in
which the guerrillas still operated freely, and to have attempted
to register them in the submitted areas would merely have
driven the population to renewed revolt. Action does not seem
to have been taken till 1935-6 and it was then taken in a
form which is said to have disgusted even some of the lawyers.
Proclamations covering the lands required for colonial settle-
ment were drawn up and it was stated in them that the parti-
cular lands to which each referred were State property and that
if no objection were raised by a certain date they would be
registered in the name of the State. The proclamations were
published by being fixed to official notice-boards in the Land
Department and municipalities, but they were not published
on the lands concerned, or anywhere near them, so that the
Bedouin, even had they any idea of what the procedure was,
and even could they have read the proclamations, did not in

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any case see them. Consequently no objections were raised—
had they been raised no attention would have been paid to
them—and there was legal presumption of State ownership in
the fullest sense. The judges, therefore, ordered registration of
the new lands in the name of the Colony. They comprised
about 450,000 hectares, about a quarter of which were im-
mediately allotted to the *Ente* for colonization. It will be noted
that the State had already, before this action was taken, been
bare owner of the lands as heir to the Turkish *miri* property.
What it now gained in addition was, in the opinion of its lawyers,
the *possesso utile*. They held further that compensation of those
deprived of the use of the lands, while perhaps unnecessary,
added to the juridical rigour of the proceeding. In other words,
in order to make it look a little less like common robbery it was
decided to make a parade of indemnification. The areas to be
taken over were estimated in a non-technical way by a surveyor
and a clerk of the Land Registry, and the supposed owners were
summoned, told that their lands were worth so much, and that
this sum would be handed over to them by the Government.
Tables of succession showing the share in the land of the various
members of the local group who owned it had already been
prepared, and if the representatives of this tribal section agreed
to the proposal the money could then be paid over on demand.

Whether the Bedouin took the money offered in compensation
or not they still lost their lands. For this reason most of them
took it. Though compensation was in this way offered, the
document to which the recipients of it had to affix their seals
or thumb-prints was not a contractual agreement for sale and
purchase nor an edict of expropriation for public utility pur-
poses, but it was a simple declaration by the owner that he
renounced all his rights in the land and transferred them to the
State. The Italians had now got all the lands in Cyrenaica
which were of any immediate use to them. They had only to
allot them to colonists and register them technically as they
were required for settlement. The target figure for the zone of
colonization was 900,000 hectares.¹

There remained the question of the Bedouin who had been
driven off the lands of their fathers. Clearly they could not be
allowed to lead their nomadic life amid the Italian cultiva-

¹ *La Nuova Italia d'Oltremare*, vol. i, p. 552.

[TEXT CONTINUED ON PAGE 225]

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tions and gardens. On the other hand, it was recognized that if they were to be able to lead a nomadic life at all, and they had to do so if they were to rear their animals, they must have access to water-supplies and grazing-grounds, and that this would sometimes mean their crossing the plateau through the area of Italian colonization. To solve this problem corridors running north and south across the plateau were, as explained in an earlier section, marked out for the transit of Bedouin flocks and herds.

It was envisaged that the Bedouin would continue to lead a predominantly pastoral life on the more rugged parts of the first terrace of the plateau, on its southern slopes, and in the steppe country of the *sirwal*, the *barqa*, the Marmarica, and the Sirtica. It was thought that they had in these areas all the land they needed for grazing and catch-crop cultivation, though it was evident that in years of drought they could not have managed to survive without summer grazing on the plateau.

Nevertheless, efforts were made to raise the economic level of the Bedouin by improving their methods of cultivation and stock-raising so that, as both producers and labourers, they might be more valuable an adjunct to Italian husbandry, and might become more dependent on the State and more closely linked with metropolitan activities. It was intended that they should constitute a cheap reserve of labour for general unskilled work and for seasonal labour on the farms of the colonists. By using them in this way it was hoped that it would be possible to avoid the growth of a metropolitan proletariat.¹ These efforts included, largely for political reasons, the creation of Arab colonization centres. Agricultural villages and farms were to be built by the *Ente* similar to, but smaller than, those built for the Italian immigrants. The first two such villages, Fiorita and Alba, were built in 1939. Each Arab farming family was provided with a house, a well, a camel, a cow, and farm implements. Like the Italian, the Arab colonist was to be first salaried labourer, then partner with the State, then mortgagor, and finally owner. As only thirty-two holdings were prepared at Fiorita and Alba the contribution to native agriculture cannot be regarded as more than a token one. Moreover, the Italians experienced difficulty in finding Arab colonists for even these

¹ Ibid., p. 622.

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complicate the more direct relationship of the distribution of groups of people to the ecology.³

The Cyrenaican genealogy, then, is a conceptualization of a hierarchy⁴ of ordered territorial segments. The groups stemming from the ancestor at the third order of segmentation are referred to as tribes, and each tribe is the apex of a three-tiered order of segments, which, following customary practice, are referred to as primary, secondary, and tertiary. The latter, the tertiary segment, represents the group of people who, for a period of six to eight months, gather together and live in what, for all intents and purposes, is a single discrete residential group.⁵ This tertiary group is also the smallest political group. It has its own homeland, with its water supplies, pastures, and ploughland. In this homeland live most of its members. It is a lineage segment, and most of the agnates of this segment live on their own homeland.⁶ It is also the vengeance group, which means that any one of its members can be killed in vengeance for a homicide committed by any other, and that the obligation to exact vengeance falls on all members alike, regardless of relationship to the victim. Likewise, its members pay blood money as a group, and although when they receive it, a bigger portion goes to the nearest agnate of the victim, the remainder is distributed equally among all its members. The number of generations which supervene between the founding ancestor of a tertiary segment and the living is usually four or five, but there is little consistency in this number. Some tertiary

³ This part of the discussion is necessarily brief, but further amplification will appear in two subsequent articles now in preparation, one of which is concerned with a general treatment of Cyrenaican genealogies, and the other with a discussion of the effects of ecology on the social organization of the Bedouin.

⁴ I use the word hierarchy here since, although segments of any order display many like features, the orders represent distinct and progressively more embracing interests, and these differences are of such consequence that to consider one order of groups as a facsimile of a superior or inferior order can only lead to confusion. A tertiary group, that is to say, may possess many of the characteristics of a secondary group, but the one is a fundamentally different sort of group from the other, as I shall show in my forthcoming article on the feud. (cf. Smith, M. G. 1956.)

⁵ This statement does not apply to the Darsa and the Hasa tribes, two of the plateau tribes in Cyrenaica. The statements in this article are confined almost exclusively to the camel herders of the semi-desert.

⁶ This, admittedly, is too general a statement to make about such an important issue, but I would prefer to leave its documentation and precision for an article on the analysis of the composition of Bedouin camps.

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There are, in Cyrenaica, three major status groups among the tribes: the noble or free-born tribesmen (*al-Hurr*), those who have been adopted or grafted on to a tribe (the *Laff*), and the clients (*Marabtīn*).

Those who claim to be free-born also claim ownership of the natural resources. The *Laff* do not own these. They are people thought not to have originally been of the lineage of the tribe with which they are resident. They are found sometimes in ones and twos in the camps of the free-born, but sometimes constituting tertiary groups themselves. Now when such people have resided with their free-born hosts for several years and one of them has married one of the host's daughters, they are grafted to the genealogy at the point of tertiary segmentation, that is, where ambiguity occurs in the genealogy. Obviously, persons thus grafted to the lineage cannot be shown as descendants of one of the living or of the recently dead, remembered perhaps by some of the elders still living. It is equally true to say that they cannot be grafted to the lineage at a point superior to that of the tertiary segments, since this would involve recognition by a number of tertiary groups whose members may know little or nothing about them. When a person enters a new tribe, the only way in which he can do so is to go to live in a camp, and it is the concern of the people of that particular camp whether or not they accept him, since it is they who have to decide whether their resources are sufficient to support a newcomer. Once a man has been accepted as a full member of a tertiary section, membership of superior tribal sections is automatic, although to enter into tribal membership he requires the permission of members of a tertiary section only. To graft at a point superior to the tertiary would be the same as giving a man superior structural status, but without a camp in which to dwell. There is only one place for his incorporation, and that is where the ambiguity in the genealogy permits manipulation to include new lines. In this way the adoption of a person into a lineage does not offend the sense of kinship of the receiving group since the point of inclusion is an ancestor about whom little or nothing is known and whose authenticity is frequently doubted by some. What has been referred to as an area of ambiguity is, moreover, something of a jumble of names, and it is not a difficult matter, if a new line has to be

619 attached somewhere along the line, to attach it to one of these
 608 names. Bedouin welcome, as members of their camps, practically
 613 anyone who wishes to join, even, in the case of one group, an
 621 Italian. The limit to this acceptance of members is, of course, the
 173 number of people who can be supported by the local resources.

[182] If people are being admitted freely to membership of a particular
 camp, this means that there is a local surplus of land and water,
 so that the number of grafts being supported by any particular
 section is a useful index of the extent to which the resources are
 being used. Conversely, as sometimes happens when grafted ele-
 ments become numerous, or when the water supply, for various
 reasons, dwindles, it may be necessary to detach a grafted group.

[578] Such action is always the occasion of a violent dispute, usually
 over watering rights, and not infrequently fights break out.
 Whether or not the grafted group wins, from then onwards it will
 be forced to exist as an independent group, and a new tertiary
 section will have been born. No matter which of the processes
 involving grafts is considered—incorporation or detachment—
 both are contained within the framework of the tertiary section,
 without any effect on the rest of the structure.

619 The position of the clients, in the context of this discussion, is
 not unlike that of the grafts. Briefly, clients are men who are con-
 sidered to have originated from a country other than Cyrenaica,
 • [423] and who for this reason cannot claim rights to land and water—
 at least this is the theory, although in some circumstances they
 are able to do so successfully. They are of various kinds, but they
 are not included in the genealogies given by the free-born. Cli-
 ents are found grouped in two main ways. There are some large
 groups which constitute tribes in the sense that they display a
 genealogical and territorial organization like those of the free-
 born, and are usually to be found flanking the main tribes of the
 country on their borders. Some of these are powerful groups and
 enjoy considerable independence of action, but whatever their
 characteristics they none the less speak of themselves as 'for' or
 619 tied to the noble tribe whose territory includes theirs. Further,
 571 the sections of these client tribes have their special ties with
 621 tertiary sections of the noble tribes, which are not merely ties of
 613 sentiment, but which take the form of valuable mutual help in a
 number of situations. A whole client tribe, in the sense that it is

SOME STRUCTURAL ASPECTS OF THE FEUD AMONG

121 given to the feud, for this is one of the few societies in which it occurs.¹ What is
613 meant here by a state of feud is a set of relationships between two tribal groups which
578 are characterized by hostility whenever two or more of their members meet. These
591 hostilities are of a sort which cannot be terminated; feud is not a matter of a group
121 indulging in hostilities here at one moment and there the next, but a sequence of
619 hostilities which, as far as the contemporary Bedouin are concerned at least, know
578 no beginning and are insoluble. Feud and the other forms of relationships to be
[571] discussed presently are to be understood, in part, by reference to the ordered divisions
of the tribes. It is necessary at the outset, therefore, to give a brief statement about
the tribal organization; other details will be included as they become relevant.

619 There are nine noble tribes in Cyrenaica whose members are referred to as freemen.
621 These tribes see themselves as divided into three genealogical orders of sections:
613 primary, secondary, and tertiary. The tertiary tribal sections correspond to the camps
[32] which cluster around the larger watering points during the drought season, May to
November. Such camps consist of clusters of smaller camps in which the concentra-
tion of agnatically related males is over 80 per cent. Within the latter kinship links
are known, so that these agnates are consanguinely related as well as politically
[62] united. The populations of most tertiary groups vary from about 200 to 700 or so,
but a group ceases to be viable if the number of male adults drops much below fifty.
Political division is absent from these tertiary groups, regardless of their precise
size, for, whatever may be the condition of developing local lineages, the acceptance
of a common name carries with it full political responsibility incumbent equally on
• [423] all their members. Each of these tertiary sections, moreover, has its own watering
point, ploughland, and pastures; each has its own *watan* or homeland. This statement
is true of all tribal sections of whatever order of segmentation. In other words, the
tribes and their sections correspond to an ordered division of the territory.

619 Names of tribal sections are the same as those given in the genealogies. Both tribe
613 and lineage are identically ordered. Lineages develop, and split at the tertiary order
of segmentation,² and, *a fortiori*, the process is the same for the tertiary tribal sections.
Split, in other words, occurs where relationships are most intense.

621 The summer community which constitutes a tertiary section, breaks up once the
221 rains begin in November or December. At this time of the year water is readily
available in the numerous small cisterns, there is pasture in plenty, and the animals
are giving milk. These combined reasons lead the larger summer camp to divide
into smaller camps of some five to ten tents. The latter are separated one from the
other by short distances—a mile or so—but together form a cluster in that they are
territorially distinguishable from a neighbouring and similar group of camps. Tertiary
621 sections are discrete also in the sense that all the major necessities of daily living
311 are available within their several territories. Each controls its own natural resources,
and these resources are the same for all the camel-herding groups—in any given year
one may have more of a particular commodity than another, but the difference is in

[171] ¹ Evans-Pritchard, 1940. The feud might have been present among the Nuer. Exogamy and the other rules of marriage which obtain among them create a dispersion of ties, which superficially appears to militate against a condition of feud. But a dispersal of ties does not mean that they necessarily act as a

pressure for peace. Moreover, the exogamous links may link limited numbers of groups only, leaving others with sufficient discreteness to pursue feuding relationships as they are described in this paper.

² See Peters, 1959.

THE CAMEL-HERDING BEDOUIN OF CYRENAICA

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bers of an undivided group. It is erroneous to suppose that because the different orders of sections are homologous in their structural aspects they do not differ; they do, because the interests associated with the various orders are different.¹

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Collateral tertiary segments are associated with different tracts of territory. Each has its own watering rights as a group, and although groups may share a grain store, it is divided on group lines. Members of these different groups do not gather together in summer to form a single community, though at some of the very big watering points they are near each other. Social relationships between them are, however, intense. Visits are frequent. They meet to exchange news, or to inquire after the sick. They exchange greetings during the major festivals, and members of one group attend the funerals and weddings of the others, taking gifts. They also meet at the grain stores. Herdsmen, as they pursue straying animals, wander freely in their neighbours' territory. Relationships of this sort, some of them urgently necessary for survival, do not permit the feuding relationships to be described presently. Permanent hostility which characterizes the feud would seriously disrupt everyday economic activities, limit the pastoral movements of the Bedouin beyond endurance, and sever lines of communication which they always strive to keep open.

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A homicide, when it involves two collateral tertiary groups must, therefore, be resolved quickly. This can be effected in two ways. Vengeance may be exacted immediately. This is always referred to as a vengeance killing or *thār*, and is to be distinguished from a superficially similar act within a tertiary group, since *thār* carries with it the implication that it is premeditated. A *thār* between two tertiary sections is considered to be the best way of settling the affair and, after an appropriate lapse of time, a peace meeting is held at which it is accepted that the killings have cancelled each other out. The deliberations at this meeting are followed by a meal at which all present 'eat around the one bowl'; the meal over, they all pray together. A life had been taken for a life and the way is now open for the restoration of normal peaceful relationships. Vengeance needs to be distinguished from feud, for while retaliatory killings provide the propulsive force in the feud a vengeance killing may be the means whereby a settlement of hostilities is made possible.

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An end to hostilities may also be brought about by a promise to pay blood money or *diya*, and its acceptance by the victim's group. Arrangements for blood-money discussions are made by a category of persons known as *marahṭin bi'l baraka*, or 'clients of the goodness', men who, by virtue of descent and origin, stand outside the descent lines of the noble tribes, and who are accredited with divine goodness. They tend the sick, write amulets, and are always present at a peace meeting to give it the weight of their *baraka*. Soon after the homicide has occurred they act as intermediaries to bring the hostile groups together at a peace meeting.² Ostensibly, the first part of the proceedings at these meetings is to settle the amount of the blood money, and how and when it is to be paid. Agreement on these counts will have been reached, however, before the large peace gathering is assembled, for there is a gener-

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¹ This statement requires more documentation than I am able to give to it in this paper, but the descriptive details given hereafter give it some substance. See also Smith, 1956.

² It is necessary to add here that these clients do not assume coercive powers. They are granted the

power to curse, but the curse that is feared is the curse of their dead when an oath is given at a saint's tomb. When they know that groups wish to make peace they assist as messengers in bringing people together, but they do not use their power to curse as a pressure.

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would be impossible to satisfy all marriage expectations of men within the universe of the minimal tribal section. For this reason alone external links are inevitable and persistent. Also, the small territorial strip such a group claims as a homeland produces an economy which, in this environment, is unstable. Additional security is gained by making connections with other tribal sections, each with its specific ecological character. Men also marry into their client groups. The proportion of these for this camp was 9 per cent of the total. From these links they gain economic advantages, they can claim services and a client-following is politically significant. Finally, 7 per cent of the total¹³ are marriages with women of other tribes, which again not only reduces the instability of the economy (in that a large tribal area suffering near-famine conditions has access to areas of markedly different ecology), but also provides political connections for men whose power ambitions have passed the point of leadership limited to their own tribes. In one way or another all these interests are manifest in the small camp and attention is now directed to the latter.

The disposition of people in the camp is represented diagrammatically on the page following.

The nucleus of the camp is Tent A. Its owner (1) was a powerful *Shaikh*, the son of a famous father. His marriage represents a political link with a group of one of the primary sections of his own tribe. His father died only a few years before I recorded my census, and the large amount of moveable property he left had still not been divided among the sons; the owner of the tent, as eldest brother, still controlled the flocks and herds. Most of his time he spent away from the camp engaging in political intrigue. His two younger brothers lived in his tent, but the second (5) would not remain there long because negotiations for his marriage had been started. His father (2) married a parallel cousin; she died and shortly afterwards he took her sister (3) in sororal union. When this occurred an amount of bride-wealth was agreed, but instead of giving any of it to her father, the entire amount was "put in front of her" (that is, the animals were allowed to remain with her husband's flock), and these animals she had marked with her brother's tribal sign to distinguish them from those of her husband. It was widely known that she was going to leave these animals to her husband's second son, for although she could not transfer them to a male outside her husband's corporate group, she could decide who, among his heirs, should inherit.

During my stay in this camp, her brother's son (4) came to it as a temporary resident for a month. Since he was poor, the purpose of his visit was to capture some of his aunt's wealth while she was still alive and the possibility still existed. During his stay he was fed well but did no work. His kinsmen found his company tiresome, so, to cut short his stay, and after consulting her nominated heir (5), she gave him three grown goats. Also when an occasion arose for an animal slaughter, she provided the sheep, and,

¹³ The remainder is made up of marriages to the daughters of men incorporated into the lineages.